

§22.0229 Preparation of the Annual Budget: Mission Bay Park and Other Regional Park Improvements

Subject only to the obligation of the City Council to annually adopt a budget and annual appropriation ordinance for the City pursuant to the City Charter or to conflicting requirements arising from the City's tideland trustee responsibilities for management of Mission Bay Park tidelands as mandated in Public Resources Code section 6306, the City Manager, in preparing the budget required by San Diego Charter section 69, shall include a proposed appropriation for Mission Bay Park improvements to a separate fund known as the Mission Bay Improvement Fund and shall also include a proposed appropriation for improvements to other *San Diego Regional Parks* to a separate fund known as the Regional Park Improvement Fund, as follows:

- (a) For purposes of this Section, the terms:

Excess Lease Revenues collected within Mission Bay means the amount by which annual lease revenue collected from leases of City-owned property within Mission Bay Park exceeds \$20 million dollars. The term does not include Transient Occupancy Taxes, Sales Taxes, Property Taxes, or any other revenues.

San Diego Regional Parks means Balboa Park, Mission Trails Regional Park, Otay River Valley Park, San Diego River Park, Multiple Species Conservation Program open space areas, and coastal beaches along with coastal parks contiguous thereto.

Defined terms appearing in this Section are indicated by italics.

- (b) The Mission Bay Improvement Fund shall be used only for permanent public capital improvements and deferred maintenance of existing facilities in Mission Bay Park pursuant to the Mission Bay Park Master Plan, as that plan may be amended from time to time. Capital improvements on Fiesta Island and South Shores shall be given priority. The City Manager shall include in his annual proposed budget that the Mission Bay Improvement Fund be funded with an amount equal to 25 percent of the annual *Excess Lease Revenues collected within Mission Bay*. However, in no event shall the City Manager's proposed budget include an allocation to the Mission Bay Improvement Fund exceeding \$2,500,000 in any fixed year.
- (c) The Regional Park Fund shall be used only for permanent public capital improvements, planning, deferred maintenance, and land acquisitions for

San Diego Regional Parks. It is the intent of the City Council that allocation and ultimate appropriation of the funds in the Regional Park Fund for specific projects shall be equitably distributed over the effective term of this ordinance to Balboa Park, Mission Trails Regional Park, Otay River Valley Park, San Diego River Park, Multiple Species Conservation Program open space areas, and coastal beaches along with coastal parks contiguous thereto. The City Manager shall include in his annual proposed budget that the Regional Park Fund be funded with an amount equal to 25 percent of the annual *Excess Lease Revenues collected within Mission Bay*. In no event shall the City Manager's proposed budget include an allocation to the Regional Park Fund exceeding \$2,500,000 in any fiscal year.

- (d) The City Manager shall comply with this Section for a period of ten years commencing with the Fiscal Year 2004 budget and terminating with the Fiscal Year 2013 budget.
- (e) During the effective term of this Section, if the City Manager determines that anticipated revenues in any fiscal year will be insufficient to maintain existing City services, the City Manager may ask the City Council to temporarily suspend compliance with this Section for the upcoming fiscal year. A majority vote of the City Council can temporarily suspend compliance with this Section for that fiscal year. Compliance with this Section is not intended to abrogate or alter the duties, obligations, and prerogatives of the City Council in the preparation and passage of the Annual Appropriation Ordinance pursuant to San Diego Charter section 71.

(Added 10-21-2002 by O-19113 N.S.)